

MINICH  
AFFIDAVIT

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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DATA-COM TELECOMMUNICATIONS, INC.,

Case No.: 07 CV 3207

Plaintiff,

-against-

**AFFIDAVIT OF WILLIAM MINICH**

EMPIRE INTERNATIONAL LTD.,

Defendant.  
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STATE OF NEW JERSEY       )  
  )   ss  
COUNTY OF BERGEN        )

**WILLIAM MINICH**, of full age, being duly sworn according to law, upon his oath,  
deposes and says:

1. I am the Chief Financial Officer ("CFO") of Defendant, EmpireCLS Worldwide  
Chauffered Services s/h/a Empire International Ltd. ("Empire"). As such, I have personal  
knowledge of the facts set forth in this Affidavit and submit this Affidavit in opposition to  
Plaintiff, Data-Com Telecommunications, Inc. ("Data-Com") motion to remand and in support of  
Empire's motion to amend their petition for removal.

2. I have been the CFO of Empire for the last two plus years. By nature of my  
position, I am authorized to execute this affidavit on Empire's behalf.

3. Empire is a New Jersey Corporation organized and existing under the laws of the  
State of New Jersey with its principal place of business in Norwood, New Jersey.

4. Empire is one of the largest providers of chauffered transportation services in the  
world, servicing high-end clientele throughout New York, New Jersey, Atlanta, Los Angeles and  
San Francisco, Empire also maintains a presence in over 250 cities in Europe, South America,  
Australia, Africa, Asia and most Middle Eastern countries.

5. As part of my responsibilities and duties, I have access to Empire's files and records, and am aware of the customs and business practices of Empire including, but not limited to, the manner in which Empire responds to legal complaints served upon it.

6. All legal complaints served on Empire or on its officers and/or directors are brought to my attention as they are evaluated and processed by my office. These legal complaints are then sent to Empire's counsel for review, evaluation and answer.

7. Service of most, if not all, suits brought against Empire in the State of New York are served through Empire's registered corporate agent with the New York Secretary of State.

8. I first became aware of plaintiff's complaint when I received a package containing the complaint on March 21, 2007. I assumed at that time, that the complaint had been served via the Secretary of State as I had no indication that it had been served in any other manner. In my entire tenure at Empire, I would estimate that 99% of all legal complaints served on Empire are, in fact, served via the Secretary of State. There was no indication on the package I received, which contained the complaint, that it had been sent to me internally by any Empire employee.

9. I later came to learn, after the filing of Empire's Petition for Removal, that the plaintiff had actually attempted to serve Empire personally through an employee, Donna Baringer.

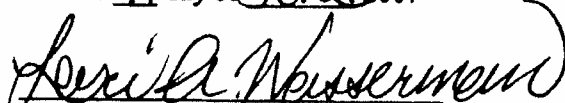
10. Ms. Baringer's title is that of corporate comptroller. She is not an officer or director of Empire or a designated agent who can accept service on Empire's behalf. Her duties include corporate record keeping and accounting, but do not include accepting service of process.

11. Ms. Baringer, unfamiliar with the practices, procedures, and legal time frames involved with the service of legal complaints, had the complaint forwarded to my office.

12. Based upon the foregoing, I respectfully ask the court to deny plaintiff's motion for remand and to grant Empire's cross-motion to amend the petition for removal.

  
William Minich

Sworn and subscribed to before  
me this 27 day of June, 2007

  
Notary Public of the State of New Jersey

LORI A. WASSERMAN  
AN ATTORNEY AT LAW  
OF NEW JERSEY